In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.3553 of 2003.

Date of decision:24.10.2006.

Vishwa Mittar.

...Petitioner.

Versus

M/s Balwant Rai Madan Lal and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Ashwani Verma Advocate for the petitioner.

Mr.Rakesh Nagpal Advocate for the respondents.

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Judgment.

S. N. Aggarwal, J.

This order shall dispose of Civil Revision No.3553 of 2003 titled as **Vishwa Mittar Versus M/s. Balwant Rai Madan Lal and others** as well as Civil Revision No.3554 of 2003 titled as **Ram Rattan Versus M/s Balwant Rai Madan Lal** as common questions of fact and law are involved in the same. However, facts are being taken from Civil Revision No.3553 of 2003.

M/s. Balwant Rai Madan Lal respondent No.1 filed civil suit on 19.3.2002 for recovery of Rs.7,62,911/- against the petitioner.

The respondents filed written statement and contested the suit.

During the pendency of the civil suit, before the respondents concluded their evidence, an application was filed by the petitioner under Order 6 Rule 17 CPC for amendment of the written statement. The said application was dismissed by the learned trial Court vide impugned order dated 2.5.2003 on the plea that it has been filed after a long delay.

Hence, the present petition.

The submission of learned counsel for the petitioner was that he only wants to take up the additional plea that the petitioner along with his brother and father were customers of the respondents with effect from year 1994 and continued till Kharif,2000 but no such record has been maintained by the respondents.

The submission of learned counsel for the respondents, on the other hand, was that the slips which were enclosed by the petitioner along with the application for amendment also related to the different period including of the year 1985 and these were not admissible in evidence. However, this plea can be taken by the respondents only when the petitioner leads the evidence.

The settled law is that law of amendment is very liberal and the parties should be permitted to take a plea if the other party can be compensated by payment of costs and no prejudice is caused to the other side. Reference may be made to the latest judgment of the Hon'ble Supreme Court reported as **Rajesh Kumar Aggarwal and**

others Versus K.K.Modi and others, 2006(2) RCR (Civil) 557.

Accordingly, this petition is accepted on payment of costs of Rs.2,000/-.

Since the suit was filed in the year 2002, its disposal be expedited.

October 24,2006. (S. N. Aggarwal)
Jaggi Judge